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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,652	01/25/2002	Hidenobu Ohya	02040/HG	3492

1933 7590 02/09/2005

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NEW YORK, NY 10017-2023

EXAMINER

SCHWARTZ, PAMELA R

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/057,652

Applicant(s)

OHYA ET AL.

Examiner

Pamela R. Schwartz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2005 and 29 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,15,16 and 18-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-14,17 and 27-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 1, 4-14, 17 and 27-29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi (6,485,812) for reasons of record and for reasons given below. Applicant has added a recitation of a binder, in addition to thermoplastic particles, in the independent claims. Applicant argues that since the latex of the reference is included as a binder, and since applicant recites a binder, the latex does not correspond to the thermoplastic particles of the instant claims but instead to the claimed binder. Contrary to applicant's assertion, the claims are still believed to read on the reference. Beginning at the bottom of col. 11, Sekiguchi disclose binders, some of which are water soluble and others that are in latex form. The reference discloses that the binders may be used alone or combined as a mixture (see col. 12, lines 1-20). Based upon this disclosure, it would have been obvious to one of ordinary skill in the art to use a mixture of the disclosed binders. The claim recitations to thermoplastic particles and binder read on such a combination of a water soluble binder and a latex binder.

2. Claims 1, 4, 7, 10, 13, 14, 17, 27 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over either patent to Sunderrajan et al (6,635,319 or 6,347,866) for reasons of record and for reasons given below. Applicant has added a recitation of a binder, in addition to thermoplastic particles, in the independent claims. Applicant argues that since the polymer particles of the reference are included as a binder, and since applicant recites a binder, the polymer particles do not correspond to the thermoplastic particles of the instant claims but instead to the claimed binder. Contrary to applicant's assertion, the claims are still believed to read on the reference. In col. 3

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of the references, each discloses that "[s]maller quantities of up to about 10% of other binders may also be added to the image-receiving layer...". Therefore, the references disclose a combination of polymer particles and other binders. The additional binders appear to be water soluble. Based upon these disclosures, it would have been obvious to one of ordinary skill in the art to use a mixture of polymer particles and other binders as the binder of the reference. The claim recitations to thermoplastic particles and binder read on such a combination of a "other" binder and polymer particles.

Applicant's arguments filed 11/11/04 have been fully considered but they are not persuasive for reasons set forth above.

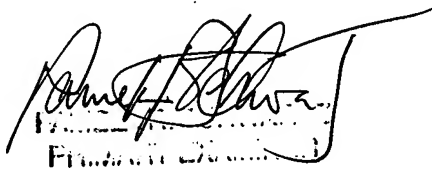
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela Schwartz whose telephone number is (571) 272-1528.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRSchwartz  
February 7, 2005



Robert D. Schwartz  
Patent Attorney  
February 7, 2005